

JOSEPH P. RUSSONIELLO (CSBN 44332)
 United States Attorney
 THOMAS MOORE (ASBN 4305-O78T)
 Assistant United States Attorney
 10th Floor Federal Building
 450 Golden Gate Avenue, Box 36055
 San Francisco, California 94102
 Telephone: (415) 436-70175

Attorneys for United States of America

**IN THE UNITED STATES DISTRICT COURT FOR THE
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

**UNITED STATES OF AMERICA and
 MARK CLAYBROOKS, Revenue Officer,**

Petitioners,

v.

MICHAEL FAGAN,

Respondent.

No. C-07-5844-EDL

**REQUEST FOR DISMISSAL
 AND ORDER THEREON**

On January 7, 2008, the Court entered its Order to Show Cause Re: Enforcement of Internal Revenue Service Summons and the order was served on the respondent.

Respondent's counsel has informed the United States that he has obtained records in compliance with the summons and will produce those records to the IRS.

Because Respondent's counsel has gathered summonsed records and will produce them to the IRS, the United States of America asks that this matter be dismissed.

Respectfully submitted,

JOSEPH P. RUSSONIELLO
 United States Attorney

/s/ Thomas Moore
 THOMAS MOORE
 Assistant United States Attorney
 Tax Division

IT IS SO ORDERED.

ORDERED this ____ day of January, 2008 at San Francisco, California.

UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I, **KATHY TAT** declare:

That I am a citizen of the United States of America and employed in San Francisco County, California; that my business address is Office of United States Attorney, 450 Golden Gate Avenue, Box 36055, San Francisco, California 94102; that I am over the age of eighteen years, and am not a party to the above-entitled action.

I am employed by the United States Attorney for the Northern District of California and discretion to be competent to serve papers. The undersigned further certifies that I caused a copy of the following:

REQUEST FOR DISMISSAL AND ORDER THEREON

to be served this date upon the party(ies) in this action by placing a true copy thereof in a sealed envelope, and served as follows:

X **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

 PERSONAL SERVICE (BY MESSENGER/HAND DELIVERED)

 FACSIMILE (FAX) No.: _____

to the parties addressed as follows:

Michael Fagan
1608 Dupree Way
Brentwood, CA 94513

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on **February 28, 2008** at San Francisco, California.

/s/ Kathy Tat
KATHY TAT
Legal Assistant